

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
Plaintiff,) NO. 4:09-cr-00169-RP
vs.)
HOWARD LEE RHODES,)
Defendant.)

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY
(PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11.1. The defendant entered a plea of guilty to Count 1 of the indictment charging him with conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B). The plea agreement provides that Count 2 will be dismissed at the time of sentencing. After advising and questioning the defendant under oath concerning each of the subjects addressed in Rule 11(b)(1), I determined that the guilty plea was in its entirety voluntarily, knowingly and intelligently made and did not result from force, threats, or promises. I further determined that there is a factual basis for the guilty plea on each of the essential elements of the offense(s) in question. To the extent the plea agreement is of the type specified in Rule 11(c)(1)(B) defendant was advised by the Court that defendant has no right to withdraw the plea if the Court does not follow a recommendation or request in question.

I recommend that the plea(s) of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed

accordingly. A presentence report has been ordered and a status conference scheduled.

Celeste F. Bremer

Celeste F. Bremer
U.S. Magistrate Judge

12-30-09

DATE:

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation was served this date by delivery of a copy thereof to counsel for the government and defendant in open court.